

Remarks

Reconsideration and allowance of this application are respectfully requested in view of the foregoing amendments and the following remarks.

In order to expedite the prosecution, claims 1-43 have been canceled and new claims 44-60 have been added which more clearly and specifically define the present invention. Claim 44 is the only independent claim.

New claims 44-60 have also been drafted to overcome the Examiner's 35 U.S.C. 112, second paragraph rejection with respect to original claims 11-19.

The Examiner also rejected the elected claims 1-19, 25-92 and 34-38 as follows:

Claims 1, 2, 3, 25, 26, 28, 29 and 34-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chang;

Claims 4, 5, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Crandall;

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Crandall and further in view of Noble.

Claims 8 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Crandall in view of Noble and further in view of Yong.

Claims 11-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Crandall and Schimid.

It is well recognized that, for an obviousness rejection under 35 U.S.C. 103(a), the Examiner has the initial burden of making a *prima facie* case of obviousness by the presentation of adequate evidence (e.g. see In re Thrift, 63 USPQ2d2002 (CAFC 9/9/02)). Additionally, the cited prior art must teach or suggest all the claim limitations without using the teachings of applicant's disclosure or any other impermissible hindsight. (e.g. See In re Valeck, 20 USPQ 2d1438 (CAFC 199)). Also, see MPEP 2143.01.

With regard to the evidence required to provide a *prima facie* showing of obviousness, note In re Lee, (USPQ2d1430 (CAFC 1/18/02) which holds that an obviousness determination may not substitute the common knowledge of one skilled in the art for the required specific evidentiary support required for a 35 U.S.C. 103 rejection. (see MPEP 2144.03).

While there are additional reasons why the Examiner's 35 U.S.C. rejections are not adequately supported as required by 35 USC 103, to the following arguments will be sufficient to demonstrate that all of new claims 44-60 are patentable over any possible combination of the cited references.

A primary feature of the present invention as defined in claim 44 (the only independent claim) is in providing, at the user site, the capability of propounding a request containing a first method to be performed on a distributed data source object and at least a second method to be performed on the results produced by performance of the first method, wherein a determination is made at the user site as to whether the second method should be performed at each respective node of the data source or should be performed at the user site after the results are transmitted from each node

back to the user site for performing the resulting second method thereat, the second results then being merged at the user site.

The above capability is a significant improvement in the art in providing greater operating flexibility and efficiency which is not taught by the cited references in the manner required by 35 U.S.C. 103(a).

In rejecting the “making a determination” recitation in applicant’s original claims, the Examiner references various portions of Chang which have been carefully reviewed by Applicant. At best, Chang teaches that additional methods can be performed on previous results and that iteration can be provided over the collection members to process the results. However, Applicant can not find in Chang any disclosure or teaching of the invention defined by new claim 44, particularly the “making a determination” recitation (3) and the associated recitations (4), (5), (6), (7), (8) and (9) in claim 44 which together implement the important feature of the present invention described above and defined in new claim 44. Applicant respectfully submits that, without such a disclosure or teaching, there is no proper basis for considering claim 44 as obvious in view of Chang alone or in view of any combination of the cited references. Furthermore, the Examiner’s statement on the top of page 5 of the Action “that Chang’s system is capable of performing the step of determining to whether the additional operations should be performed on the results at each respective node (at each datastore) or should be performed at the user site after the results are transmitted from each node back to the user site” (underlining added for emphasis), even if true (which the Examiner has not demonstrated) does not amount to obviousness. The capability to do something does not mean it would be obvious to do so.

In view of the foregoing, claim 44 is properly allowable in this application, as are claims 45-60 dependent thereon. In particular, note claims 45-47 which recite additional steps regarding the first agent process and the remote agent process which are not disclosed or taught by the cited references.

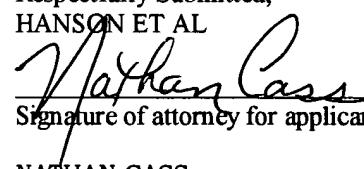
Allowance of this application is accordingly respectfully solicited.

Reg. No. 18,931

Tel: (310) 284-9631  
Fax: (310) 284-9634

Address:  
Unisys Corp., Law Dept.  
2049 Century Park East - Suite 310  
Los Angeles, CA 90067

Respectfully Submitted,  
HANSON ET AL

  
Signature of attorney for applicant

NATHAN CASS  
Type or print name of attorney